IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 23690 of 2006(T)

PETITIONER:

T.K. SURENDRAN,
HEADMASTER, PULLIYODE WEST L.P.SCHOOL,
P.O. UMMENCHIRA, THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH
SMT.C.C.JANCY
SRI.MOHAMMED SHAMEEL

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (J) DEPARTMENT,GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION, KANNUR.

3. ASSISTANT EDUCATIONAL OFFICER,
THALASSERY (NORTH), THALASSERY, KANNUR DISTRICT.

BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.23690/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE PHOTOCOPY OF THE LETTER DATED 29.4.06 ISSUED BY THE FIRST RESPONDENT TO THE SECOND RESPONDENT.

EXT.P2: TRUE PHOTOCOPY OF THE ORDER OF APPROVAL DATED 7.6.88 ISSUED BY THE THIRD RESPONDENT.

EXT.P3: TRUE PHOTOCOPY OF THE LETTER DATED 25.1.05 ISSUED BY THE SECRETARY PUBLIC SERVICE COMMISSION TO THE THIRD RESPONDENT.

EXT.P4: TRUE PHOTOCOPY OF THE G.O(P) 127/99/G.EDN DATED 4.6.99.

EXT.P5: TRUE PHOTOCOPY OF THE OPTION DATED 20.6.06.

EXT.P6: TRUE PHOTOCOPY OF THE STATEMENT OF FIXATIOND ATED 20.7.06.

EXT.P7: TRUE PHOTOCOPY OF THE LETTER DATED 7.8.06 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.

//TRUE COPY//

P.A. TO JUDGE

K.M.JOSEPH, J.

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WP.(C) No.23690 OF 2006

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Dated this the 6th day of February, 2007

JUDGMENT

Challenge is against Ext.P7 and there is a direction sought to accept the option and to pass the statement of fixation and also to disburse the arrears of benefits flowing from Ext.P1 order for the period from 10.5.1988.

2. A counter affidavit has been filed in which it is inter alia stated as follows:

> "The petitioner's appointment was earlier approved as Headmaster only w.e.f. 1.4.1989 and was only teacher-in-charge till 31.3.1989. As such he would have not come under the purview of Ext.P4 order. On receiving the clarification dated 28.9.2006 on Ext.P1, the third respondent had revised and approved the appointment of the petitioner as Headmaster w.e.f. 10.5.1988 and Headmaster's scale of pay is sanctioned w.e.f. 10.5.1988."

Counsel for the petitioner submits that an order has been passed on 11.10.2006. But payment is not made in terms of the order. He submits that there are certain mistakes and the petitioner may be

permitted to challenge the same. But at the same time the amount due as per the order may be disbursed.

Accordingly the writ petition is disposed of as follows:

Leaving open the right of the petitioner to challenge the order dated 11.10.2006 of the A.E.O., Thalassery North, there will be a direction to the third respondent to disburse the amount due to the petitioner as per order dated 11.10.2006 within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.